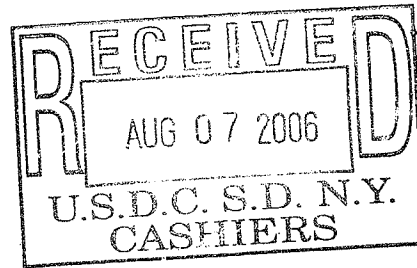


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Judge Pauley

06 CV 5998
06 CV

CHARLOTTE GARDNER and
DANIELLE B. GARDNER, Individually, as
Co-Executors, and as Trustees of the
Article SIXTH Trust, created by the Last Will
and Testament of
JOSEPH H. GARDNER,

Petitioners,

NOTICE OF REMOVAL

-against-

PETER WEISMAN,

Respondent.

Respondent Peter Weisman, sued in an action styled Charlotte Gardner and Danielle B. Gardner v. Peter Weisman, New York County Index No. 0955-2006 concerning 160 Associates L.P. (the "Limited Partnership"), which was brought in the Surrogate's Court of the State of New York, New York County, hereby removes this civil action from the Surrogate's Court of the State of New York to the United States District Court, Southern District of New York, and gives notice hereof, upon the following, in accordance with 28 U.S.C. Section 1446:

1. An action with the title set forth above was commenced in the Surrogate's Court of the State of New York, New York County by service of an Order to Show Cause and Verified Petition on or about August 1, 2006.

2. This action is a civil action that seeks injunctive relief in aid of an arbitration Petitioners commenced before the American Arbitration Association concerning a dispute over the disposition of real property assets currently owned by the Limited Partnership and located at 160 West 16th Street, Manhattan, New York, for which the parties hereto act as co-General Partners.

3. Respondent is an individual who resides in Spartanburg, South Carolina.

4. Petitioner, upon information and belief, is a Trust formed under the laws of New York, whose trustees, Charlotte Gardner and Danielle Gardner, upon information and belief, are New York residents.

5. The amount in controversy exceeds \$75,000, exclusive of costs and interest.

6. The action is one in which the District Court has original jurisdiction by reason of the complete diversity of citizenship of the parties, 28 U.S.C. § 1332(a). Removal is also proper pursuant to 9 U.S.C. § 205 (1999).

7. Respondent was served with the Order to Show Cause and Verified Petition on or about August 1, 2006, therefore pursuant to 28 U.S.C. § 1446(b), this petition is being filed within thirty days of service of the initial pleading.

8. Copies of all pleadings and process served on Respondent by Petitioners are annexed hereto as Exhibit A.

WHEREFORE, Respondent requests that this case proceed as an action properly removed hereto.

Dated: August 7, 2006

Respectfully submitted,

MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO, P.C.

By: 

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